

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

May 12, 2021 – 1:30 PM



Virtual Meeting (Zoom)

[Watch Live Stream \(YouTube\)](#)

Participate in the Virtual Meeting: Individuals who wish to participate in the virtual meeting via Zoom may access the meeting as follows:

- [Instructions for Joining & Participating in the Virtual Meeting](#)
- **To join by computer, tablet or mobile device:** [Access Zoom Meeting](#)
- **To join by phone:** Call (646) 558-8656 **Please note that long distance rates may apply**
- **Meeting ID:** 872 3404 6248 **Passcode:** 868225

Submit a Written Comment: Individuals who wish to submit a comment in advance of the meeting may do so in writing by 12:00 pm on the day of the meeting using one of the following options:

- **Email:** jcronin@townofseabrookisland.org
- **Mail or Hand Deliver:** 2001 Seabrook Island Road, Seabrook Island, SC 29455

Watch Live Stream Video: The meeting will be live streamed on the town's YouTube channel beginning at 1:30 pm.

- **Watch Live:** [Live Stream Video \(YouTube\)](#)

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Meeting: April 14, 2021

[Pages 3–4]

OLD BUSINESS ITEMS

There are no Old Business Items

NEW BUSINESS ITEMS

1. Text Amendment: Fee Schedule

[Pages 5–11]

An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 21, Fees; Section 21.20, Fee Schedule; so as to amend the fee schedule for Short-Term Rental Permits

2. Text Amendment: Building Heights

[Pages 12–15]

An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 7, Lot and Building Requirements; Section 7.90, Height Limitations; so as to amend the maximum height requirement for structures within the town

ITEMS FOR INFORMATION / DISCUSSION

There are no Items for Information / Discussion

ADJOURN

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

April 14, 2021 – 1:30 PM



Virtual Meeting Hosted via Zoom

[Live Streamed on YouTube](#)

MINUTES

Present: Stan Ullner, Wayne Billian, Jim Newton, Sharon Welch, Joe Cronin (Town Administrator)

Absent: Ken Otstot (Chair)

Guests: None

Due to the absence of Chairman Otstot, Vice Chairman Ullner called the meeting to order at 1:34 PM. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **Regular Meeting: March 10, 2021:** Mr. Newton made a motion to approve the minutes from the March 10, 2021, meeting as submitted. Ms. Welch seconded the motion. The motion was **APPROVED** by a vote of 4-0.

OLD BUSINESS ITEMS

There were no Old Business Items.

NEW BUSINESS ITEMS

1. **Rezoning Request: 2344 Andell Way:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation to Town Council on the request to rezone Charleston County Tax Map Number 147-02-00-045, containing approximately 0.58 +/- acres located at 2344 Andell Way, from SFR Single-Family Residential to AGC Agricultural-Conservation. He stated that the property has been acquired by the Seabrook Island Greenspace Conservancy for conservation purposes and transferred to SIPOA for ownership and maintenance. Staff recommended in favor of approving the rezoning request. Ms. Welch made a motion to recommend in favor of approving the rezoning request. Mr. Newton seconded the motion. The motion was **APPROVED** by a vote of 4-0.
2. **Rezoning Request: 2905 Seabrook Island Road:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation

to Town Council on the request to rezone Charleston County Tax Map Number 149-06-00-030, containing approximately 0.29 +/- acres located at 2905 Seabrook Island Road, from SFR Single-Family Residential to AGC Agricultural-Conservation. He stated that the property has been acquired by the Seabrook Island Greenspace Conservancy for conservation purposes and transferred to SIPOA for ownership and maintenance. Staff recommended in favor of approving the rezoning request. Ms. Welch made a motion to recommend in favor of approving the rezoning request. Mr. Newton seconded the motion. The motion was **APPROVED** by a vote of 4-0.

ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information.

There being no further business, Vice Chairman Ullner asked for a motion to adjourn. Ms. Welch made a motion to adjourn the meeting. Mr. Newton seconded the motion. The motion was **APPROVED** by a vote of 4-0, and the meeting was adjourned at 1:43 PM.

Minutes Approved:



Joseph M. Cronin
Town Administrator



MEMORANDUM

TO: Planning Commission Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Text Amendment (Building Heights)
MEETING DATE: May 12, 2021

The Planning Commission is asked to review and provide a recommendation to Town Council on a proposed amendment to Sec. 21.20 (Fee Schedule) of the Development Standards Ordinance (DSO).

When the town's fee schedule was last amended in the fall of 2020, the following provision was included:

(A)(11) A "Post Facto Surcharge" equal to 100% of the permit amount shall be assessed in instances where work has commenced prior to obtaining a required permit. This surcharge shall be in addition to any other fines penalties which may be assessed, if applicable.

In December of 2020, town council also imposed an annual \$250.00 permit fee for short-term rental permits.

Based on the wording of the current ordinance, if a rental unit is advertised or rented after March 31st, the \$250.00 permit fee must be doubled to \$500.00. It was the opinion of town council and staff that doubling the permit fee was excessive. Therefore, the proposed amendment would create a "late fee" of \$100.00 for late short-term rental permits, rather than doubling the fee to \$500.00.

Staff Recommendation

Staff recommends in favor of **APPROVAL** of the proposed text amendment.

Respectfully submitted,


Joseph M. Cronin
Town Administrator

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-04

ADOPTED _____

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 21, FEES; SECTION 21.20, FEE SCHEDULE; SO AS TO AMEND THE FEE SCHEDULE FOR SHORT-TERM RENTAL PERMITS

WHEREAS, Article 21 of the Development Standards Ordinance for the Town of Seabrook Island (hereafter, the “DSO”) establishes a schedule of fees (hereafter, the “Fee Schedule”) for various activities which are subject to prior review and approval by the Town pursuant to the requirements of the DSO; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend the Fee Schedule so as to charge a \$100.00 late fee for Short-Term Rental Permits received after the deadline in lieu of a \$250.00 post factor permit surcharge; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island believe that amending the Fee Schedule is in the best interest of the town and will provide for efficient and effective administration and enforcement of the requirements contained within the DSO;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Amending Article 21 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 21, Fees; Section 21.20, Fee Schedule; is hereby amended to read as follows:

Sec. 21.20. Fee Schedule.

The Fee Schedule attached hereto as “Attachment A” and dated May 25, 2021, is hereby adopted by reference as if fully set forth in this section. Council may amend the Fee Schedule from time-to-time by ordinance.

SECTION 2. Severability.

If any part of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of

persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date.

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2021.

First Reading: April 27, 2021
Public Hearing: May 25, 2021
Second Reading: May 25, 2021

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk

ATTACHMENT A

Fee Schedule

| Service | Fee Amount |
|--|---------------------|
| A. Zoning Permit Fees (Including Site Plan Review) | |
| 1. Residential Zoning Permit: Single-Family & Duplex | |
| a. New Construction | \$200.00 |
| b. Addition | \$150.00 |
| c. Major Renovation (> 50% Fair Market Value) | \$200.00 |
| d. Minor Renovation (≤ 50% Fair Market Value) | \$25.00 |
| e. Minor Repairs & Maintenance | No Charge |
| 2. Residential Zoning Permit: Multi-Family | |
| a. New Construction | \$350.00 |
| b. Addition | \$250.00 |
| c. Major Renovation (> 50% Fair Market Value) | |
| i. Administrative Review Only | \$250.00 |
| ii. Planning Commission Review | \$350.00 |
| d. Minor Renovation (≤ 50% Fair Market Value) | |
| i. Administrative Review Only | \$25.00 |
| ii. Planning Commission Review | \$150.00 |
| e. Minor Repairs & Maintenance | No Charge |
| 3. Non-Residential Zoning Permit | |
| a. New Construction | \$350.00 |
| b. Addition | \$250.00 |
| c. Major Renovation (> 50% Fair Market Value) | |
| i. Administrative Review Only | \$250.00 |
| ii. Planning Commission Review | \$350.00 |
| d. Minor Renovation/Upfit (≤ 50% Fair Market Value) | |
| i. Administrative Review Only | \$25.00 |
| ii. Planning Commission Review | \$150.00 |
| e. Minor Repairs & Maintenance | No Charge |
| f. Communication Towers and Antennae | |
| i. New Communications Tower | \$1,000.00 |
| ii. Antenna Installation | \$150.00 |
| 4. Accessory Use / Structure Permit | |
| a. HVAC equipment and associated stands; generator equipment and associated stands; uncovered decks, patios and steps; boardwalks and docks; driveways and walkways; swimming pools and spas; fire pits; retaining walls; fences; propane tanks; and similar structures. | \$50.00 |
| 5. Change of Use / Occupancy Permit | |
| a. Change of Use / Occupancy Classification | \$50.00 |
| 6. Home Occupation Permit | |
| a. Home Occupation | \$25.00 |
| 7. Short-Term Rental Permit | |
| a. Short-Term Rental Permit – New | \$250.00 |
| b. Short-Term Rental Permit – Renewal | \$250.00 |
| c. Modification of Existing Short-Term Rental Permit | |
| i. Change of Owner, Agent or Local Contact | \$25.00 |
| ii. All Other Modifications | \$100.00 |
| d. Reinstatement of Suspended Short-Term Rental Permit | \$125.00 |
| e. <u>Late Application Fee (Received After Deadline)</u> | <u>\$100.00</u> |

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| 8. Temporary Use Permit | |
| a. Events & Activities ≤ 3 Days in Duration | \$35.00 |
| b. Events & Activities > 3 Days in Duration | \$100.00 |
| 9. Sign Permit | |
| a. Freestanding Sign | \$20.00 + \$1.00 Per Sq. Foot |
| b. Building Sign (Awning, Door, Wall, Window, etc.) | \$20.00 |
| c. Reface or Repair of Existing Sign | \$20.00 |
| d. Temporary Sign | \$10.00 |
| 10. Tree Removal Permit | |
| a. Trees < 12" DBH | No Permit Required |
| b. Trees ≥ 12" DBH & Subject to ARC Approval | No Permit Required |
| c. Trees ≥ 12" DBH | No Charge |
| 11. Post Facto Surcharge | |
| A "Post Facto Surcharge" equal to 100% of the permit amount shall be assessed in instances where work has commenced prior to obtaining a required permit. This surcharge shall be in addition to any other fines penalties which may be assessed, if applicable. <u>The surcharge shall not apply to Short-Term Rental Permits which are subject to the Late Application Fee.</u> | |
| B. Building Permit & Inspection Fees | |
| 1. Building Permits & Inspections (Charleston County) | |
| Pursuant to Section 6-2 of the Town Code, all fees imposed by Charleston County for permitting and inspection services are adopted by reference and shall be paid directly to the County. | |
| C. Subdivision Plat Review & Recording Fees | |
| 1. Plat Review Fees | |
| a. Exempt Plat | \$50.00 |
| b. Preliminary Plat | |
| i. Minor Subdivision (≤ 10 Lots) | \$300.00 |
| ii. Major Subdivision (> 10 Lots) | \$300.00 + \$10.00 Per Lot |
| c. Final Plat | |
| i. Minor Subdivision (≤ 10 Lots) | \$150.00 |
| ii. Major Subdivision (> 10 Lots) | \$150.00 + \$10.00 Per Lot |
| 2. Recording Fees | |
| a. Plat Recording Fee | \$100.00 + \$25.00 Per Page |
| D. Boundary, Map & Text Amendment Fees | |
| 1. Boundary Amendments | |
| a. Application for Annexation | |
| i. Standard Zoning Designation | \$250.00 |
| ii. Conservation Zoning Designation | \$100.00 |
| iii. PDD, PUD & Mixed-Use Zoning Designation | \$1,250.00 + \$10.00 Per Acre |
| 2. Map Amendments (Rezoning) | |
| a. Application for Rezoning | |
| i. Standard Rezoning | \$250.00 |
| ii. Conservation Rezoning | No Charge |
| iii. PDD, PUD & Mixed-Use Rezoning | \$1,000.00 + \$10.00 Per Acre |
| 3. Text Amendments | |
| a. Application for DSO Text Amendment | \$250.00 |
| b. Application for Comprehensive Plan Amendment | \$250.00 |
| E. Board & Commission Review Fees | |
| 1. Board of Zoning Appeals | |
| a. Application for Appeal of Administrative Decision | \$150.00 |

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|---|--------------------------------------|
| b. Application for Special Exception | \$300.00 |
| c. Application for Variance | \$300.00 |
| 2. Planning Commission | |
| a. Application for Address Change | \$25.00 |
| b. Application for Appeal of Administrative Decision | \$150.00 |
| c. Application for Encroachment Permit (Curb Cut) | |
| i. New Curb Cut | \$500.00 |
| ii. Modification of Existing Curb Cut | \$250.00 |
| d. Application for Lot Variance | \$150.00 |
| e. Application for Street Name Change | \$150.00 + \$25.00 Per Address |
| F. Other Services | |
| 1. Copies (Printed) | |
| a. Comprehensive Plan | \$25.00 |
| b. Development Standards Ordinance | \$25.00 |
| c. Zoning Map (Large Copy) | \$25.00 |
| d. Black & White Copies | |
| i. 8.5 inches x 11 inches | \$0.10 Per Page |
| ii. 11 inches x 17 inches | \$0.20 Per Page |
| e. Color Copies | |
| i. 8.5 inches x 11 inches | \$0.25 Per Page |
| ii. 11 inches x 17 inches | \$0.50 Per Page |
| 2. Field Verification Fee | |
| a. At the Zoning Administrator's discretion, a field verification fee may be charged in lieu of submitting a property survey in instances when the Zoning Administrator reasonably believes that compliance may be determined by field verification. | \$75.00 |
| 3. Outside Professional Services & Consultants | |
| a. The Zoning Administrator may engage outside professional service providers and consultants (such as architects, attorneys, engineers and other professionals) when such services are deemed necessary to review or evaluate an application or request. | Actual Cost + 10% Administrative Fee |
| 4. Verification Letters | |
| a. Flood Zone Verification Letter | \$20.00 |
| b. Zoning District Verification Letter | \$20.00 |



MEMORANDUM

TO: Planning Commission Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Text Amendment (Building Heights)
MEETING DATE: May 12, 2021

The Planning Commission is asked to review and provide a recommendation to Town Council on a proposed amendment to Sec. 7.90 (Height Limitation) of the Development Standards Ordinance (DSO).

Article 2 of the DSO defines the height of a structure as the vertical distance from the base flood elevation (BFE) to the highest point of the roof. Because many properties throughout the Town transitioned to a lower BFE as a result of the new Flood Insurance Rate Maps (FIRM) which went into effect on January 29, 2021, the maximum allowable height for structures on those affected properties would have been required to be reduced in relation to Mean Sea Level (MSL) compared to the old maps.

On December 15, 2021, the Mayor and Council adopted an ordinance (Ord. 2020-18) which allowed a property owner to use the BFE in effect prior to January 29, 2021 for the purpose of calculating allowable building height; provided the old BFE was higher than the new BFE. In anticipation of a new DSO being adopted prior to July 31, 2021, Ord. 2021-18 was intended to apply only to new structures permitted between the dates of January 29, 2021, and July 31, 2021.

Due to delays in adoption of the new DSO, the Mayor and Council now desire to amend Sec. 7.90 of the DSO to remove the sunset date of July 31, 2021, thereby allowing any eligible property – including those permitted after July 31, 2021 – to take advantage of this provision.

Staff Recommendation

Staff recommends in favor of **APPROVAL** of the proposed text amendment.

Respectfully submitted,

Joseph M. Cronin
Town Administrator

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-05

ADOPTED _____

AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 7, LOT AND BUILDING REQUIREMENTS; SECTION 7.90, HEIGHT LIMITATIONS; SO AS TO AMEND THE MAXIMUM HEIGHT REQUIREMENT FOR STRUCTURES WITHIN THE TOWN

WHEREAS, on November 17, 2020, the Mayor and Council of the Town of Seabrook Island gave final reading approval to Ordinance 2020-12, which adopted the updated Charleston County Flood Damage Prevention and Protection Ordinance, by reference; and

WHEREAS, the new Flood Insurance Rate Maps (FIRM), which were prepared and adopted by the Federal Emergency Management Administration (FEMA), went into effect on January 29, 2021; and

WHEREAS, Article 2 of the Development Standards Ordinance for the Town of Seabrook Island (hereafter, the "DSO") defines the height of a structure as the vertical distance from the base flood elevation (BFE) to the highest point of the roof; and

WHEREAS, because many properties throughout the Town transitioned to a lower BFE as a result of the new FIRM, the maximum allowable height for structures on those properties must also be reduced in relation to Mean Sea Level (MSL); and

WHEREAS, on December 15, 2021, the Mayor and Council of the Town of Seabrook Island adopted an ordinance (Ord. 2020-18) which allowed a property owner to use the BFE in effect prior to January 29, 2021, for the purpose of calculating allowable building height, provided the prior BFE was higher than the new BFE; and

WHEREAS, in anticipation of a new DSO being adopted prior to July 31, 2021, Ord. 2021-18 was intended to apply only to new structures permitted between the dates of January 29, 2021, and July 31, 2021; and

WHEREAS, due to delays in adoption of the new DSO, the Mayor and Council for the Town of Seabrook Island now desire to amend Sec. 7.90 of the current DSO so as to remove the sunset date of July 31, 2021;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Amending Section 7.90 of the DSO. The Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 7, Lot and Building Requirements; Section 7.90, Height Limitations; is hereby amended to read as follows:

Sec. 7.90. - Height Limitations.

The maximum height for any building in the Town shall be thirty-six (36) feet above the design flood elevation, as required by Section 20-22 of the Town Code.

§ 7.90.10. Multi-family and commercial buildings may increase the maximum allowable height by one (1) additional foot for each three (3) feet of additional front yard setback, with a maximum height of forty (40) feet above the required design flood elevation

§ 7.90.20. Special provisions for residential structures permitted ~~between after~~ January 29, 2021 ~~and July 31, 2021~~. For residential structures which are permitted ~~between on or after~~ January 29, 2021 ~~and July 31, 2021~~, the maximum height limitation may be measured from the design flood elevation in effect as of December 15, 2020; provided 1) the design flood elevation required on December 15, 2020 was higher than that required from and after January 29, 2021; and 2) the lowest floor elevation of the residential structure shall also comply with the design flood elevation required on December 15, 2020.

§ 7.90.30. Exceptions to height limitations. Unless otherwise expressly stated, the height limitations of this Ordinance shall not apply to any of the following:

§ 7.90.30.10. Farm buildings in the AG or AGC zoning districts;

§ 7.90.30.20. Electrical power transmission lines;

§ 7.90.30.30. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or

§ 7.90.30.40. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33 1/3 percent of the area of the roof.

SECTION 2. Severability.

If any part of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of

persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date.

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2021.

First Reading: April 27, 2021
Public Hearing: May 25, 2021
Second Reading: May 25, 2021

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk